

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1169

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Donna Baller
Operator's Signature

10/2/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1169

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna G. Hall
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1169

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/15/03

Tape Number	Side A	Side B	Meter #
2	x		26.2-51.0

Committee Clerk Signature *Judith Hammer*

Minutes: Chairman Keiser opened the hearing on HB 1169.

Rep. Froseth of District 6 introduced HB 1169, submitted at request of the Secretary of State. It relates to the registration and protection of service marks, provides retroactive application and declares an emergency. He then deferred to Secretary of State, Al Jaeger, who walked the committee through the bill. (See attached)

Current law has been on the books since the late 1950's. Section 1 defines the bill. Section 10 breaks the registration into one class for goods and one for services and provides guidelines.

Clara Jenkins, Director of Business Division, was also present to answer questions from the committee.

Rep. Boe: Regarding registration for a multi-state company, would they have to register state by state? Secretary Jaeger replied that federal trademark registration procedures supersede state ones.

Rep. Johnson asked where the "generic language" situation is addressed in HB 1169.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Donna Stalder
Operator's Signature

1/21/03
Date

Page 2
House Industry, Business and Labor Committee
Bill/Resolution Number HB 1169
Hearing Date 1/15/03

Clara Jenkins, Director of Business Division of the Office of the Secretary of State, took the podium to answer this question. "Subsection 5 in Section 1 means that it must distinguish the services of one person, including unique services from others. If it is not distinctive it is not "registerable".

Rep. Ekstrom: Is there a way to prevent defamations?

Jaeger: There is a provision where there are civil things that an individual can do. We are an office of records, we make the best judgment we can.

Rep. Ruby: Does this bill require all service companies to register their name and logo?

Clara Jenkins: The name has to be filed under a different statute but trademark or logo registration is voluntary. The design is probably under the patent law, the mark associated with that product, which becomes a label, the packaging and letterhead and advertising, that's what the trademark is. It has nothing to do with design of product. The tradesman statute protects the tradesman itself. The trademark protects the logo.

Rep. Ruby: Is it possible that lawsuits will be filed if this bill passes?

Clara Jenkins: I doubt it. We've already been filing them, they've been protected by us but not by law.

Rep. Dosch: This bill will clear up something I've always questioned. I trademarked my business name in ND. When I went to do it federally I was told I couldn't as it was a service mark, not a trademark. This brings us into compliance with federal procedures.

Jaeger: Trademark doesn't protect a tradesman.

No one was present to testify in opposition to HB 1169. **Chairman Keiser** closed the hearing.

Rep. Johnson moved a do pass, **Rep. Zaiser** seconded the motion. The motion carried 13-0-1.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Doreen Bell
Operator's Signature

10/2/03
Date

Date: 1/15/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

House Industry, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Johnson Seconded By Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsor	✓		Rep. Roe	✓	
Rep. Severson, Vice-Chair	✓		Rep. Ekstrom	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Froseth	✓		Rep. Zaiser		
Rep. Johnson	✓				
Rep. Kasper	✓				
Rep. Klein	✓				
Rep. Nottlestad	✓				
Rep. Ruby	✓				
Rep. Tieman	-	-			

Total (Yes) 13 No 0

Absent 1

Floor Assignment Ruby

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Holbrook 10/2/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 16, 2003 12:08 p.m.

Module No: HR-08-0642
Carrier: Ruby
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1169: Industry, Business and Labor Committee (Rep. Kelsor, Chairman)
recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1169 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-08-0642

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis G. Holcomb
Operator's Signature

1/16/03
Date

